

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. The petitioner's ex-husband is self-employed. Although he is under a child support order to pay monthly child support, he pays once every few months. On or about April 6, 2009, petitioner received child support of \$288.

Petitioner has not received child support since that payment.¹

4. On or about May 7, 2009, the Department sent petitioner a Notice of Decision that her Food Stamps were being reduced from \$166 per month to \$37 per month effective June 1, 2009.

5. On or about May 22, 2009, the Department sent petitioner a Notice of Decision that her Food Stamps would be zero for June 2009. As a result of the federal stimulus package, petitioner's unemployment compensation had increased \$25 per week. Her countable income was now over the Food Stamp maximums for monetary benefits.

6. Petitioner requested a fair hearing on or about May 27, 2009. A fair hearing was held on June 11, 2009. The petitioner disagrees with Food Stamp policies that count her child support as income two months after receipt.

ORDER

The Department's decision is affirmed.

REASONS

¹ Petitioner's Food Stamps for July 2009 are being increased to take into account the non-receipt of child support during May 2009.

The Food Stamp Program was created to combat hunger and malnutrition among low income households. Food Stamp Manual § 271.1. The amount of Food Stamps a household receives is based upon a complex formula that is set out in the Food Stamp Manual (FSM). FSM § 273.9. This formula includes all earned and unearned income except for those earnings that are specifically excluded. FSM § 273.9(b).

Changes to a household's income trigger a recalculation of Food Stamp benefits. Changes can include receipt of child support or an increase in the amount of unemployment compensation benefits.

In terms of child support, the Department counts child support payments in the same way as they treat child support payments in the RUFA program. See W.A.M. § 2240.2(1). Procedures Manual P-2560(H) states that "child support used in the Food Stamp budget in any given month will be an estimate based on child support received and intended for a period two months ago". This policy has been in effect since 1994.

The Department applied this policy correctly in petitioner's case by counting child support monies received in April 2009 as income in their determination of June 2009 Food Stamps.

In addition, the Department needed to recalculate petitioner's Food Stamps because her unemployment compensation benefits were increased. There is no dispute as to the amount of petitioner's weekly unemployment compensation. The petitioner questioned the process of determining monthly income by multiplying weekly income by 4.3 rather than 4. However, the regulations use 4.3 to reflect the actual days in a month. FSM § 273.10.

The Department accurately determined petitioner's Food Stamps for the month of June 2009. Accordingly, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

#